

REMARKS

This is in full and timely response to the Final Action of July 14, 2003 (Paper No. 15). This paper is timely in that it is accompanied by a Petition to a One Month Extension of Time, a Notice of Appeal having been timely filed on November 14, 2003, making further action due on or before January 14, 2004. Because February 14, 2004 (Valentine's Day) falls on a Saturday, and Monday, February 16, 2004 is President's Day, a Federal Holiday, this paper is timely when filed on Tuesday, February 17, 2004.

Entry of this amendment is solicited in that it is submitted to place all claims whether retained or added in a prima facie condition for allowance, it retains allowed claims 26 and 27 and appends new claims dependent on those claims, and presents corresponding apparatus claims in means plus function formatting corresponding to those allowed method claims. It should be noted that claims 1 to 19 are here canceled, and that claims 20 to 24 were previously canceled. Claims 25, 28, and 30 are also canceled, while pending claim 29 is retained, but dependent on an allowed method claim. Thus, more claims are canceled than are here added. Entry of this amendment for purposes of appeal is also suggested in that it removes issues for appeal, and it presents fewer claims than previously presented. Entry under 35 C.F.R. 1.116 is warranted. Still further, it presents no new issues not previously substantively considered; rather the issues were considered primarily with respect to claims 26 and 27 as to method claims, so that corresponding apparatus claims based on those allowed method claims, or on the remarks stating reasons for allowance should present no new substantive issues.

After entry of this amendment, claims 26, 27 and 31 to 49 will be pending. The Applicants' attorney thanks the Examiner for the indication that claims 26 and 27 are allowable if rewritten to overcome the minor objections. These changes and other minor formal changes are made to allowable claims 26 and 27 without affecting their range or scope, to avoid similar objections.

It may also be noted, in support of the entry of this After Final Amendment under 37 C.F.R. 1.116 that it is the Applicant's first response to new grounds of rejection in the Final Action, and is supported by the statement of reasons for allowance in section 7 on page 5 of the Final Action, at least with respect to the latter portion thereof relating to the limitations of allowable claim 27.

New independent claims 31 and 34 have been added to capture the allowable subject matter from claims 26 and 27 respectively in an apparatus format, and all remaining rejected claims have been cancelled. New Claim 39 has been added which is similar to Claim 34 in apparatus format. Accordingly, Applicant requests the Examiner to move the case to allowance at his earliest convenience.

CONCLUSION

For at least these reasons, this application is now in condition for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper.

However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

If the Examiner has any questions or comments, she is kindly urged to call the undersigned to facilitate prosecution.

Respectfully submitted,

Dated: February 17, 2003

By: 

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